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NON-SMOKERS AND SMOKERS WELCOME

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Lack of Uniform State Law Opens Door to Local Bans on Restaurant Smoking

It seemed that good news was on the horizon for the state's restaurant owners, when legislation was introduced in Albany earlier this year that would have created a single statewide law to address the restaurant smoking issue.

But that optimism proved to be short-lived, as the legislature adjourned for the year without acting on the bill.

As a result, cities and towns remain free to enact their own regulations. Some localities, including **New York City** and **Nassau, Suffolk** and **Westchester** counties have already enacted extreme restrictions on restaurant smoking. And the state legislature's failure to address the issue could mean an increased push by smoking opponents to pressure their local governments to enact smoking ordinances.

The State Legislature's failure to act on legislation to impose reasonable restrictions on restaurant smoking could open the door to excessive restrictions at the local level.

For example, officials in **Erie** and **Niagra** counties have already indicated that they are looking into enacting smoking restrictions for restaurants in their localities.

Restaurant bans come at a steep price for restaurant owners. A comprehensive survey commissioned by the New York Restaurant and Tavern Association found that nearly six out of 10 restaurants in New York City boroughs bordering suburban areas had lost business since the city's ban went into effect in 1995.

The survey of 86 restaurants was conducted in late June by respected New York pollster Penn + Schoen Associates, Inc. In the northern Bronx, which borders suburban Westchester County, and in eastern Queens, which is bordered by Nassau County, 65 percent of the restaurant managers polled said their customers were shifting business to suburban eateries where smoking and non-smoking sections prevail.

Smoking opponents statewide recognize the opportunity they now have to capitalize on the legislature's failure to address the need for a uniform statewide smoking law. That legislative proposal, which would have strengthened the state's current smoking restrictions, would have also created a uniform statewide law, thereby eliminating a confusing patchwork of local laws.

Statewide uniform legislation is expected to be introduced when the legislature convenes in January. Meanwhile, restaurant owners need to be on the lookout for local efforts to restrict smoking. ❑

New York State Edition:

News for and about hospitality industry businesses in New York State.

Suffolk County Bar Exemption Set to Expire in 1998

Suffolk County bar operators received a brief reprieve from county officials earlier this year, when bars were given a two-year exemption from the county's tough new smoking restrictions.

That goodwill, however, is set to run out in June 1998. At that time, bar operators will be forced to ban smoking, thereby putting their establishments at a competitive disadvantage with bars in neighboring localities.

California bar operators found themselves in a similar situation this year. A two-year exemption from that state's mandatory smoking ban was set to expire on January 1, 1997. But rather than sit back and allow the anti-business regulation to take effect, bar owners appealed to their legislators -- and won. In September, the California State Legislature extended the bar exemption for another year, until 1998. Hopefully, this victory will set the stage for a permanent exemption from the state's smoking law. ❑

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